BURGLARIES IN '73 CONCEDED BY F.B.I.

[redacted]

Kelley Says Break-Ins Were Directed at Radicals

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By JOHN M. CREWDSON

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WASHINGTON, June 30 — Clarence M. Kelley, Director of the Federal Bureau of Investigation, who previously insisted in Congressional testimony and elsewhere that burglaries by bureau agents were halted in 1966, confirmed today that the bureau carried out in 1972 and 1973 "a limited number" of break-ins directed at radical domestic and terrorist groups.

Mr. Kelley's admission, in a statement released by the bureau, followed by more than a week news reports that the Justice Department was investigating possible criminal wrongdoing by agents and officials of the bureau in connection with illegal burglaries committed over the last five years.

Mr. Kelley became F.B.I. Director in July 1973, but it was unclear from his statement whether any of the entries oc-

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curred after he took over the bureau.

Meanwhile, well-placed sources said today that several burea uofficials had offered to tell Justice Department prosecutors what they knew about the burglaries in return for assurances that they would not be prosecuted.

One source, while refusing to identify any of those who were seeking to cooperate with the Justice Department, indicated that the potential value of their testimony lay in their ability to implicate F.B.I. higher-ups in the approval of the burglaries.

Justice Department lawyers have reportedly begun to present evidence in their investigation to a Federal grand jury. But it could not be learned whether any of the F.B.I. officials, who are said in most cases to have held middle-level supervisory positions, had testified under oath.

A spoesman for J. Stanley Pottinger, the head of the department's civil rights division, who is in charge of the investigation, said that Mr. Pottinger would have no comment on the sources' assertions.

The department's investigation was begun after the recent discovery by lawyers that F.B.I. agents in New York and elsewhere had over the last five years broken into a number of homes and offices without search warrants to obtain investigative leads on radical and terrorist groups.

More Burglaries Reported

Despite Mr. Kelley's statement about 1972 and 1973 break-ins, one F.B.I. source said, the burglaries in some areas of the country continued up to last April. He said that they constituted only a fraction of the extralegal activities he said had been engaged in by some F.B.I. agents, in many cases with the knowledge and approval of bureau executives.

Mr. Kelley said that files relating to the recent break-ins were found in the bureau's New York City field office last March 17, and that the Justice Department was notified the same day.

Those files are known to have contained reports that one left-wing group, the Socialist Workers Party, was burglarized some 90 times from 1960 to 1966. But Mr. Kelley's statement was the first indication that evidence of later break-ins was also found among the personal papers of John F. Malone, the former head of the New York office.

Mr. Pottinger, in a separate statement, denied today news reports that he and his assistants at the Justice Department had "sealed off" Mr. Kelley from the burglary investigation, which is being conducted by 12 specially chosen F.B.I. agents under the direction of the department.

Mr. Pottinger said that he had discussed the investigation's findings with Mr. Kelley when it was "necessary and appropriate," and that "whatever information is shared with him remains in his personal knowledge and possession only, and is not disseminated to other persons in the F.B.I. or elsewhere."

In his statement, Mr. Kelley said that he had previously testified before Congress that "surreptitious entries in domestic security investigations terminated in 1966."

"bviously, such news stories imply directly or indirectly that I (1) knew otherwise and/or (2) that my advisers in the F.B.I. knew about these entries and failed to advise me of them," he continued.

He said that he had never authnorized any such operations, had never been told of any by his subordinats and had been "speaking with the best knowledge that was furnished me at the time."

It was not until the discovery of Mr. Malone's "personal folder" that he became aware of any evidence to the contrary, Mr. Kelley said.

The Justice Department has identified about 30 F.B.I. agents, many but not all of them in the New York field office, who it believes took part in the illegal burglaries.

Virtually all of them, sources said, have been offered immunity from prosecution in return for their testimony about F.B.I. higher-ups, and at least one agent is believed to have accepted the offer.